

REMARKS

Claims 9, 10, 12-19, 21, 22 and 24-28 are pending in the application. Claims 15, 21 and 24-27 stand allowed. Claims 9, 10, 12, 17-19, 21 and 28 are rejected by the Examiner. Claims 13,14, and 16 are objected to by the Examiner. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

REJECTIONS UNDER 35 USC § 102

The Examiner rejected claims 9, 10, 12, 17-19, 21 and 28 under 35 U.S.C.102(b) as being anticipated by Rettinger et al. (US 5,677,631). The Examiner contends, in part, that Rettinger discloses flowline sensor having a circumferential channel adapted to capture fluid therewithin. The Examiner contends that items 25 and 26 comprise the circumferential channel. Applicant respectfully submits that items 25 and 26 cannot be considered a circumferential channel because these items have neither the structure of a circumferential channel nor perform the function of capturing fluid. The specification of Rettinger makes this crystal clear:

The conductor 16 is immersed in the formation fluid flowing from the inlet 26 through the cavity 17 and exiting at the outlet 25. When an RF sensor signal is received at the connector 12, the signal propagates as a TEM wave between the feedthrough conductors 14 and 18 and walls of the feedthrough tunnels 15 and 19, as well as between the walls of the waveguide cavity 17 and the central conductor 16. The signal then is sampled at the connector 20 for processing by the receiver 22 of FIG. 1.

Col 14, lines 4-13.(emphasis added). Because the specification clearly describes fluid as "flowing" from the inlet 26 to the outlet 25, these items cannot "capture" fluid as contended by the Examiner. Furthermore, the Figures illustrate these items as radial passages, not circumferential channels. Since Rettinger does not teach or suggest each and every element of claim 9, 12, and 17, these claims are submitted to be in condition for allowance.


Additionally, since dependent claims 10, 18-19, 21 and 28 depend from a base claim believed to be in condition for allowance, these claims are also believed to be in condition on at least those grounds.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **02-0429 (584-35278-US)**.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I do hereby certify that this correspondence is being transmitted via facsimile, to the Commissioner for Patents, Examiner Kenneth Whittington, facsimile no. (571) 273-8300 on this 22nd day of November, 2005.


Margaret A. Pruitt